

COMMISSION MEETING MINUTES

Indiana Fire Prevention and Building Safety Commission

Government Center South
402 West Washington Street
Indianapolis, Indiana 46204
Conference Room B

October 7, 2008

1. Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's regular monthly meeting was opened by Vice-Chairman Cundiff at 9:05 a.m. on October 7, 2008.

- (a) Commissioners present at the Commission meeting:

Diana M. H. Brenner
Michael Christoffersen
Howard W. Cundiff, Vice-Chairman, representing the Commissioner, Department of Health
Michael Corey
Hattie Simms, representing the Commissioner, Department of Labor
John Hawkins
M. Burke Jones
Ted Ogle

- (b) Commissioners not present at the Commission meeting:
David Hannum, Chairman
James Ridley

- (c) The following departmental and support staff were present during the meeting:

Support Services Division, Legal and Code Services
Mara Snyder, Director, Legal and Code Services
John Haines, Code Specialist
John Hibner, Code Specialist
Raleigh Kouns, Code Specialist
Bob Robinson, Code Specialist
Beth Sutor, Secretary

- (d) Deputy Attorney General James Schmidt was present.

2. **Old Business.**

Vice-Chairman Cundiff called for any corrections or a motion to approve the minutes of the September 3, 2008 meeting as distributed. A motion to approve the minutes as distributed was made by Commissioner Christoffersen and seconded by Commissioner Jones. It was voted upon and carried.

3. **Third Party Inspections Renewal.**

Shelley Wakefield, Director of Fire and Building Code Enforcement, presented the application by NTA, Inc. of Nappanee, Indiana for a Third Party Inspection renewal, recommending approval. Commissioner Jones moved to approve for a period of one year. Commissioner Christoffersen made the second. The motion was voted upon and carried.

4. **Variances.**

Tabled Variances.

The proponent for variance 08-10-36, J. P. Morgan Chase main Telephone Room 5th Floor, Indianapolis, requested that the application be tabled for 30 days. Commissioner Christoffersen moved to table with the second by Commissioner Jones. It was voted upon and carried. Variance 08-09-17 Calumet Twp. 610 Renovation Project, Gary, was withdrawn by the proponent. Variance 08-09-7 Lincolnshire Health and Rehabilitation, Merrillville, was represented by proponent, John Ambrosecchia. The Commission had been given information gathered by a Fire and Building Code Enforcement inspector, and, based on his evaluation of the situation; Commissioner Christoffersen moved that no variance was required. Commissioner Ogle made the second. It was voted upon and carried. Variance 08-09-9 was represented by Robert Overton. He presented his calculations using the 2001 Edition of NFPA 101A as opposed to calculations made under Chapter 34 of the current code which does not include I occupancies. The type of construction would be significantly higher under the new code while sprinkler requirements were similar. Commercial cooking equipment will be evaluated by NFPA requirements. The building won't meet earthquake requirements. Mr. Overton asked that his presentation be recessed so that he could make copies of a worksheet for the Commission. His request was granted. Variance 08-09-19 Sullivan Hardware Do It Center, Cicero, was not represented and none of the requested information had been submitted. Commissioner Christoffersen moved to deny with the second by Commissioner Ogle. It was voted upon and carried. Variance 08-09-35(d) was withdrawn by proponent Ed Rensink, RTM Consultants.

Regular Variances.

Chairman Hannum called for any variances to be pulled from the block vote for individual consideration. Variance 08-10-34 and 08-10-35(b) were called out. Commissioner Jones then moved to approve all "A" and "B" variances with the second being made by Commissioner Corey. The motion was voted upon and carried.

The following variances were approved as submitted:

- (1) 08-10-1(b) 140 & 146 E. High Street Interior Renovation, Lawrenceburg
- (2) 08-10-5(a) Argosy Casino, Lawrenceburg
- (3) 08-10-8(a)(b) Candlewood Suites – Commons Mall Complex, Columbus
- (4) 08-10-14(a)-(g) Eagle Lakes Condominiums, Indianapolis
- (5) 08-10-20 Citizen's Gas Office Building, Indianapolis
- (6) 08-10-23 Renaissance Bay Development Building 11, Indianapolis
- (7) 08-10-25 Renaissance Bay Development Building 32, Indianapolis
- (8) 08-10-27 Clarian Arnett Hospital, Lafayette
- (9) 08-10-28(b) Lilly Building C47, Clinton
- (10) 08-10-29(a)(b) Granville Elementary School, Jamestown
- (11) 08-10-30(a)(c) Clarian Saxony Hospital, Fishers
- (12) 08-10-31 IUH Central Sterilization, Indianapolis
- (13) 08-10-32 Indiana Convention Center Expansion, Indianapolis
- (14) 08-10-33(a)-(i) Evard Village, Ft. Wayne
- (15) 08-10-35(b) Legacy Towns & Flats, Carmel
- (16) 08-10-37 Hobart Middle School, Hobart
- (17) 08-10-38(b) Station 11, Bloomington
- (18) 08-10-41(a)(b) Jefferson Plaza, Indianapolis

- (19) 08-10-43(b) Ivy Tech Culinary School, Indianapolis
- (20) 08-10-45 New Indianapolis Airport Parking Garage, Indianapolis

The following variances were heard separately:

- (21) 08-10-1(a)(c) 140 & 146 E. High Street Interior Renovation, Lawrenceburg

Christina Colleston, RTM Consultants, spoke as proponent. She explained that variances had already been granted for the central portions of these buildings and that 140 & 146 were the end buildings of the row of historic townhouses. It was found during the presentation that plans which were important to her presentation were not included in the submission, and she asked that the presentation be tabled to allow her time to get the copies. Commissioner Ogle moved to table with the second by Commissioner Brenner. It was voted upon and carried.

- (22) 08-10-2 Superior Body Works, Goshen

Kenneth Juday, owner, spoke as proponent. He explained that his spray booth had been professionally installed 18 years ago, and he had been told at that time that it carried a UL rating and did not need to be sprinklered. Annual inspections in the intervening years did not call out the booth as non-compliant. A local inspector cited the booth for the first time this year. Because of the current state of business, the cost of putting in a sprinkler system per code would now be more than the business could bear, and he would have to close his doors. The system has a series of six filter systems before it exhausts into the air. The nearest building is a steel structure 100 feet away. After discussion, Commissioner Hawkins moved to approve because the condition had existed for 18 years and there had been no citations. Commissioner Christoffersen made the second. It was voted upon and carried with two nay votes.

- (23) 08-09-9 Replacement Location for Riverwalk Communities, Evansville

Robert Overton again acted as proponent with assistance from Michael J. Weber of Riverwalk Communities. Mr. Overton distributed copies of the worksheet he had prepared, showing the scoring of the building. He noted that sprinklers and fire alarm systems for his building will be required in a couple of years, so they will be installed now. He also noted that two enclosed stairs which give additional exiting had not even been included in the calculations. After discussion, Commissioner Ogle moved to approve with the condition the scoring must comply with Rule 8. The second was made by Commissioner Christoffersen. It was voted upon and carried with the notation that minor changes with the scoring, if consistent with his presentation, was allowable.

- (24) 08-10-3 White Castle Restaurant, Franklin

John Delk, construction supervisor, spoke as proponent. Though the building is not sprinklered, the request was to allow the use of shelving less than 24 inches from the ceiling. A picture was provided to the Commission, showing the interior of the restaurant and the shelving in question. Commissioner Hawkins moved to approve with the second by Hattie Simms. It was voted upon, but the motion did not pass. Commissioner Christoffersen moved to deny with the second by Commissioner Ogle. It was voted upon and carried with one nay.

- (25) 08-10-4 Indiana Live at Indiana Downs, Shelbyville

Charlie Hill, Ryan Fireprotection, spoke as proponent. A custom-order grid system was installed on the ceiling of the casino area which was to be an open ceiling. A mistake was made in the fabrication of the order, and has caused the ceiling to be only 63% open instead of the required 70% . The request was to allow an additional 3000 square feet to be added to the area which would provide larger piping and better water coverage. A lengthy discussion was held concerning sprinkler patterns and the custom-ordered ceiling installation before Commissioner Hawkins moved to table for 30 days, allowing the proponent to determine costs and to do a fire model study. Commissioner Ogle made the second. It was voted upon and carried.

- (26) 08-10-5(b)(c) Argosy Casino, Lawrenceburg

No proponent was present. Commissioner Christoffersen moved to table with the second by Commissioner Ogle. It was voted upon and carried.

- (27) 08-10-6 Highland Elementary School, Evansville

The proponent had requested to be heard later on the agenda. His request was honored.

- (28) 08-10-7 Yellow Cactus Tenant Space, Floyd Knobs

Marty Koffman and Lee Mattingly, project and construction managers, spoke as proponents. They explained that the building had been filed and released before the code changes. The request was to allow the restaurant, a new tenant after the code changes went into effect, to be unsprinklered. Chief Jeremy Klein, Lafayette Twp. Fire Department, agreed to support the variance if the owners install a domestic sprinkler system in the kitchen and agree to sprinkler the entire tenant space if they add seating in the future. Commissioner Hawkins moved to approve with the conditions as outlined in the fire department's letter. Commissioner Christoffersen made the second. It was voted upon and carried with one nay vote being cast.

5. **Breaking and reconvening.** Vice-Chairman Cundiff recessed the Commission at 10:05a.m. He then reconvened the meeting, calling it back to order at 10:24 a.m.

- (29) 08-10-6 Highland Elementary School, Evansville

Gerald Summers, Safety & Security Director for Evansville/Vanderburgh School Corporation, spoke as proponent. The school has a classroom for 9 special needs students. There have been incidents where the children have gotten out of the room unseen but, luckily, have suffered no injuries. The request is to be allowed to install the Wonder-Guard system for these students' safety. The system is a magnetic lock which is thrown when a student wearing a special bracelet or necklace approaches the door, preventing them from leaving the room without an adult to disengage the lock and allow them to exit. The door would otherwise be unlocked for anyone else in the room without the hardware. The local fire department had suggested they install a double-sided lock system at 54" high, but this would require the door to be locked at all times. After discussion, Commissioner Christoffersen moved to approve using the Wonder-Guard system. Commissioner Ogle made the second. It was voted upon and carried.

- (30) 08-10-9 Candlewood Suites – Commons Mall Complex, Columbus

Damon Adams, D.O. Adams Consulting Services, Inc, spoke as proponent. The utility company had

requested that two oil-filled transformers be relocated to just inside the delivery/dock area. The request was to omit the code-required 1-hour fire separation this move would need. Access to the load beam used for replacement and maintenance of the transformers by the utility company would also be blocked if the vault were constructed. After discussing the alternatives and other means of protecting the transformers from vehicular and pedestrian traffic, Commissioner Christoffersen moved to deny with the second by Commissioner Corey. It was voted upon and carried.

(31) 08-10-10 Lucas Oil Stadium Elevator Glass, Indianapolis

Jeff Bursett, FP&C Consultants, spoke as proponent. The request was to allow glass which is not safety glazed to be installed in the elevator hoistways for elevator number 1, 2, 4, 5, 6, 7, 10 and 11. The elevator cars are approximately four feet away from the glazing and should not cause breakage. There is no place for people to stand inside the hoistways to touch the glass except by those who are there to clean it. The glass has already been installed. Deb Jackson, Elevator Safety, spoke against the variance, pointing out contradictions in the application and presenting a picture of one of her staff touching the glass in question while standing in a designated smoking area for the general public. After a lengthy discussion, Commissioner Christoffersen moved to table to allow the proponent time to look at alternatives for the glass. Commissioner Brenner made the second. It was voted upon and carried.

(32) 08-10-11 Norstam Veneers, Inc, Mauckport

John Weesner, Weesner's Code Solutions, spoke as proponent. The request was to allow the building to be without a fully-functioning sprinkler system from the date of completion until the city has completed the installation of the six inch water main. Norstam will have the hook-up installed at the street, ready for the contractor to tie the building into the system. Commissioner Jones moved to approve for a period of six months from the date of occupancy Commissioner Christoffersen made the second. It was voted upon and carried.

(33) 08-10-13 Candlewood Suites Elevator, Indianapolis

Roger Naab, project manager, spoke as proponent. The request was to allow an elevator to be without stand-by power. The proponent stated that his four-story building was not required to have the generator because the code reads "four or more stories above the level of exit discharge" and his building is a total of four stories. Jeff Dean, City of Indianapolis, distributed an ICC interpretation of the level of exit discharge. The building has enclosed stairways on each end of the sprinklered building. After discussion, Commissioner Hawkins moved to approve with the condition they have 24/7 coverage and that a generator will be provided if power is lost, with the second by Commissioner Brenner. It was voted upon and carried.

(34) 08-10-15 Cosmopolitan on the Canal, Indianapolis

Timothy Callas, J & T Consulting, spoke as proponent. Jeff Dean, City of Indianapolis, also addressed the Commission. The issue was that of return air being taken from an open floor plan which included the kitchen area. The inspectors for the city feel this is a violation, and the proponent says that ICC feels this is not applicable to the open floor plan type of units. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried.

- (35) 08-10-16 Hyde @ Blu, Indianapolis

Timothy Callas, J & T Consulting, spoke as proponent. The request was to allow the change of occupancy in an existing building without the installation of a fire separation. The building is historic, and the owner wishes to make use of the decorative, tin ceiling which would be lost if the separation is installed. The building is fully sprinklered and will add heat detectors instead of smoke detectors to avoid nuisance trips for the fire department. The floor assembly is less than 1-hour, but is constructed of heavy timber. Commissioner Brenner moved to approve with the condition that heat detectors are installed. Commissioner Christoffersen made the second. It was voted upon and carried.

- (36) 08-10-17 Fairview Elementary School, Bloomington

Ed Rensink, RTM Consultants, spoke as proponent. The request is to allow a portion of the building to have a fourth level which will put it over the allowable height limit for Type IIB construction. The fully sprinklered building is being constructed on a sloping site, and the first and second levels will have direct access to grade. Level three and four will have access to enclosed stairways discharging to grade. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Brenner. It was voted upon and carried.

- (37) 08-10-18 The Village at 10th and College, Bloomington

Ed Rensink, RTM Consultants, spoke as proponent. Because of the slope of the building site, the 3-hour separation between the parking and residential occupancy types of the building will not be perfectly horizontal. The parking area will be sprinklered per NFPA 13 and the residential areas will have an automatic sprinkler system in compliance with NFPA 13R. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Ogle. It was voted upon and carried.

- (38) 08-10-19 Bethel College New Residence Hall, Mishawaka

Christina Collester, RTM Consultants, appeared as proponent. The issue was an elevator hoistway without a vent. Commissioner Corey stated he feels no variance is required in this instance, and made the motion no variance required. Commissioner Ogle made the second. It was voted upon and carried.

- (39) 08-10-21 Kidscape Child Care Center, Indianapolis

Melissa Tupper, RTM Consultants, spoke as proponent. The request was to allow the second story of an existing building to be used for childcare. The existing building is over the allowable height for the desired V-B construction type. The building has a fire alarm system and smoke detection. The upper floor will be used by children ages 6 and up, with a total occupancy of 30 children and 3 adults. After discussion, Commissioner Hawkins moved to approve with the condition the occupancy be limited to 30

children and 3 adults, and that the second floor is restricted to children ages 6 and up. Commissioner Christoffersen made the second. It was voted upon and carried.

- (40) 08-10-22 Indianapolis School No. 84 Addition and Renovation, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The request was to be allowed to omit the barrier on a basement stairway enclosure connecting three levels in an elementary school. A gym on the

upper floor is connected to the exit level by a half stair down while the cafeteria on the lower level is connected to the exit level by a half stair up. Commissioner Christoffersen moved to approve with the second by Commissioner Corey. It was voted upon and carried.

- (41) 08-10-24 Renaissance Bay Development Building 7 & 17, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The request was to omit the stand-by power for the elevators. The hydraulic elevators will have a battery to lower the car to the first floor at failure. T. J. Burns, Indianapolis Fire Department, explained to the Commissioners that the firefighters use the elevators to take equipment up, not for evacuations. Commissioner Christoffersen moved to approve with the second by Commissioner Ogle. It was voted upon and carried. Commissioner Christoffersen then suggested a review and establishment of some guidelines for staff to be used with future variances should be considered.

- (42) 08-10-26(a)(b) Church of the Four Seasons, Crown Point

Melissa Tupper, RTM Consultants, spoke as proponent. In variance (a), the request was to omit the separation between the new narthex addition and the existing lobby area. The architect and owner wish to keep the open floor concept, and feel that the 400 members using the sanctuary will be the same 400 using the narthex and there would be no rise in occupancy. After discussion, Commissioner Brenner moved to deny with the second by Commissioner Christoffersen. It was voted upon and carried with three nay votes being cast. Variance (b) was a request to omit sprinklers due to insufficient water. A fire alarm / smoke detection system will be installed. After discussion, Commissioner Christoffersen moved to approve with an alarm system is installed and the kitchen is separated from the narthex. Commissioner Hawkins made the second. It was voted upon and carried.

6. Breaking and reconvening. Vice-Chairman Cundiff recessed the Commission for lunch at 11:46a.m. He then reconvened the meeting, calling it back to order at 12:53 p.m.

- (43) 08-10-28(a)(c)(d) Lilly Building C47, Clinton

Ed Rensink, RTM Consultants, spoke as proponent. He was joined by Rob Roush, project engineer. When building C-47B and the connector between buildings C-47B and C-47A were constructed, no area separation wall was included. Both buildings are sprinklered and of Type II-N construction. A sprinkler curtain will be provided across the connector between the two buildings. After discussion, Commissioner Christoffersen made the motion to approve with the second by Commissioner Brenner. It was voted upon and carried. Variance (c) is to allow a 2-Hour area separation wall between buildings C-47B and C-47C which is not vertically continuous as per code of record, and which has unprotected steel beams in the plane of the wall. A 2-Hr rated horizontal offset assembly will be provided to complete the separation between the buildings. Commissioner Christoffersen moved to approve with the condition that sprinklers were to be installed on the "C" building side. The second was made by Commissioner Ogle. It was voted upon and carried. Variance (d) is to allow dust-producing operations on the third floor. The buildings have bag-house dust collection systems, are of II-N construction, and are fully sprinklered. Their exterior walls are also blast-relieving. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried.

- (44) 08-10-30(b) Clarian Saxony Hospital, Fishers

Rodney McCullough, RTM Consultants, spoke as proponent. His request is to omit the separation of the first and second floors, stating the vertical opening extends through the third story to the roof and meets the intent of exception 707.2, exception 7. Exits from the hospital do not exit into the open space in this fully sprinklered building. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried.

- (45) 08-10-34 Towns at Kamm Island Park Units 11 – 15, Mishawaka

Jeff Anglemeyer, Arkos Design, spoke as proponent. The request was to allow a five-unit condominium building to omit sprinklers. The units will use 1½ hour separation walls between units. After a lengthy discussion of similar, previously granted variances and designs, Commissioner Hawkins moved to approve on the condition that the exterior walls of units 1 and 5 be rated per Chapter 6. A 2-Hour fire wall will be placed between units 1 and 2, and 3 and 4. A 1-Hour fire barrier will be placed between units 2 and 3, and 4 and 5. Commissioner Ogle made the second. It was voted upon and carried.

- (46) 08-10-35(a) Legacy Towns & Flats, Carmel

Ed Rensink, RTM Consultants spoke as proponent. The variance had been called out for a point of clarification. Commissioner Hawkins moved to approve with the second by Commissioner Ogle. It was voted upon and carried.

- (47) 08-10-38(a) Station 11, Bloomington

Ed Rensink, RTM Consultants, spoke as proponent. The request was to allow residential units in the basement and on the first floor where this type of occupancy is not permitted by code. Because of the slope of the terrain, a horizontal separation will be used in the multistory building. After discussion, Commissioner Brenner moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried.

- (48) 08-10-39 Butler College of Pharmacy and Health Sciences, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The request was to allow a stair enclosure in a four-story, sprinklered addition to discharge through the first floor lobby space that is open to the basement lobby below. After discussion, Commissioner Brenner moved to approve with the second by Commissioner Jones. It was voted upon and carried.

- (49) 08-10-40(a)(b) Delta Gamma House Addition at Butler University, Indianapolis

Melissa Tupper, RTM Consultants, spoke as proponent. The request in variance (a) was to allow the existing building to be occupied before the completion of the addition and sprinkler system. The existing building will then be sprinklered during the summer when the house is not occupied. After discussion, Commissioner Corey moved to approve with the condition that the variance be valid for a period of 6 months from the beginning of construction. Commissioner Christoffersen made the second. It was voted upon and carried. Variance (b) was to allow the assembly space to not be separated from the residential

space as required by code. Commissioner Hawkins moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried.

- (50) 08-10-41(c) Jefferson Plaza, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. Two units have bathrooms which don't fully comply with the fixture requirements. The first can be adapted for the tub and accessibility, and the second doesn't meet the clear space requirement but can be made adaptable. After discussion, Commissioner Christoffersen moved to approve with the second by Commissioner Jones. It was voted upon and carried.

- (51) 08-10-42 New Hope Wesleyan Church Renovation and Addition, Columbia City

Ed Rensink, RTM Consultants, spoke as proponent. The request is to omit the sprinkler system. A 2-hour fire barrier will be provided to separate the worship area from the rest of the building, and a fire alarm system will be installed. The new space will have 2 exits directly to the exterior and three exits to the main corridor. The church is located in an area which does not have adequate water supply to support a sprinkler system. Commissioner Christoffersen moved to approve with the second by Commissioner Ogle. It was voted upon and carried.

- (52) 08-10-43(a) Ivy Tech Culinary School Addition, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. The request was to allow the existing building and addition to be over area for construction type. The building had been used previously for different types of occupancies, and the addition is for vocational education and a restaurant. A 2-hour fire barrier will be used to separate the addition and existing building, as well as the installation of sprinklers. Commissioner Hawkins moved to approve with the second by Commissioner Jones. It was voted upon and carried.

- (53) 08-10-44 Renovation of River View 500, Mishawka

Ed Rensink, RTM Consultants, spoke as proponent. The request was to allow the change of use from an R-2 to an I-1 using NFPA 101A. The 8 story, concrete floor and frame construction building has HVAC and exhaust shafts without fire dampers, but when scored out, they complied with 101A. After discussion, Commissioner Christoffersen made the motion to approve with the condition they use the 2001 Edition of NFPA 101A. Commissioner Brenner made the second. It was voted upon and carried.

- (54) 08-10-46(a)(b)(c)(d) Columbus Regional Hospital Build-Back, Columbus

Christina Collester, RTM Consultants, spoke as proponent. The request in variance (a) was to allow the use of the basement and first floor by staff while the floors are still under renovation from flood damage. A dead-end corridor of thirty feet will be needed to access two public restrooms for the dining room adjacent to the construction. After discussion, Commissioner Brenner moved to approve with the second by Commissioner Ogle. It was voted upon and carried. Variance (b) deals with temporary egress from the auditorium through space still being renovated. After discussion of separation and signage,

Commissioner Christoffersen moved to approve with the second by Commissioner Jones. It was voted upon and carried. Variance (c) is to allow the replacement of a corridor which connected mobile units to the building. It was of type V-B construction and is not compliant with the I-B construction for the building. Commissioner Christoffersen moved to approve with the second by Commissioner Jones. It was voted upon and carried. Variance (d) is to allow the sprinkler system in the basement of the building to not be fully functional at the time of reopening of the facility. They will use a team instead of a fire watch under Chapter 14 of the Fire Code. The linen and trash chutes will still be used, but they will go into service rooms with staff-only access. Commissioner Christoffersen moved to approve with the second by Commissioner Jones. It was voted upon and carried.

(55) 08-10-47 Orleans Christian Church Family Life Center, Orleans

Mark Roseberry, Roseberry Construction, spoke as proponent. The request was to omit the sprinkler system for the building. The building is to be separated into 2 areas by a 2-hour separation, and will have a fire alarm system and smoke detectors. A letter from the City of Orleans declining their request for a sprinkler system hook-up, fearing demands of sprinklers in their location would be too much for their system to handle. The kitchen will be strictly a warming kitchen, and no daycare ministries are planned. Commissioner Ogle moved to approve with the condition that the kitchen be separated by a 1-hour fire barrier and that a fire alarm system must be installed. Commissioner Christoffersen made the second. It was voted upon and carried.

(56) 08-10-1(a)(c) 140 & 146 E. High Street Interior Renovation, Lawrenceburg

Christina Collester, as proponent, requested the Commission allow the application to now be heard since she now had the missing information. Commissioner Christoffersen moved to hear the variance, with the second by Commissioner Ogle. It was voted upon and carried. Variance (a) was to allow only one exit from each basement. They will be used only for light storage. Both buildings are sprinkled and have been rewired. The existing stairway in the first building was removed and replaced due to its condition, and the existing stairway in the second building remains intact. Commissioner Hawkins moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried. Variance (c) deals with the supporting construction of the existing stairs. There will be 2-Hr enclosures in place of 2 stairs back to back and only 1 exit. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Jones. It was voted upon and carried.

7. **New Business – General.**

Discussion and Possible Commission Action

Alternative Plastics
Administrative Cause No. 08-27

Late Filing
Notice of Filing and Nonfinal Order of Administrative
Law Judge

The Administrative Law Judge announced this entry appeared on the agenda in error and was not scheduled to be heard.

Wabash College TKE Fraternity
Administrative Cause No. 08-39
Elevator Order
Nonfinal Order of Dismissal

Frank E. Irish
Administrative Cause No. 07-10
Denial of Variance
Nonfinal Order of Dismissal

Delta Electric
Administrative Cause No. 08-28
Miscellaneous
Nonfinal Order of Dismissal

Brebeuf Jesuit Preparatory School
Administrative Cause No. 08-35
LFO Order
Nonfinal Order of Dismissal

Georgetown Wellness
Administrative Cause No. 08-54
LFO Order
Nonfinal Order of Dismissal

Commissioner Ogle moved to approve all Nonfinal Order of Dismissal with the second by Commissioner Jones. It was voted upon and carried.

Discussion and Commission Action on Petitions For Review (All are timely filed unless otherwise noted.)

St. Mary of the Assumption Catholic Church
Condition of CDR

The Legacy Towns and Flats
Appeal of Design Release

Commissioner Christoffersen moved to grant all timely filed petitions for review. Commissioner Corey made the second. It was voted upon and carried.

Leo Mark Zeller
Administrative Cause No. 08-19
L. M. Zeller
Administrative Cause No. 08-20
L. M. Zeller
Administrative Cause No. 08-21
Louis M. Zeller
Administrative Cause No. 08-22
Andrew M. Boeglin
Administrative Cause No. 08-23
Denial of License Renewal
Notice of Filing Report, Findings of Fact, and Nonfinal Order of
Administrative Law Judge

A copy of the complete order issued August 19, 2008 and a copy of the objections filed by Zeller Elevators were distributed to the members of the Commission. It was explained that the objection had not been timely filed. After discussion, Commissioner Corey moved to affirm with the second by Commissioner Ogle. It was voted upon and carried.

8. **Proposed amendments to the Indiana Residential Code (LSA Doc #08-604)**

Mara Snyder, Director of Legal and Code Services, distributed copies of the draft rule to the members of the Commission for informational purposes only. She explained there will be a public hearing, and that the minutes of that hearing will be in the December mailing.

9. **Comments**

Mara Snyder, Director of Legal and Code Services, told the Commission that Bob Robinson and John Hibner had attended the ICC Final Action Hearing in Minneapolis in September and that they would do a memo for the Commission concerning actions with fiscal impact for Indiana. She also noted that there was no plan to adopt the 2009 code. Chase amendments will be outlines in a memo for the November mailing and will need approval to be adopted in the December meeting. Code Services will be developing a file on the website of code compliance officer interpretation letters for public access.

10. **Public Comment.**

Mike Zeller, Zeller Elevators, addressed the members of the Commission, objecting to actions by Judge Teagarden, Debra Jackson and Cecilia Ernestes-Boxell. He also stated that he had been unaware of the time limit for filing objections to a paper that had arrived while he was out of town. Vice-Chairman Cundiff advised Mr. Zeller that the Commission could not do anything more for him, and that he needed to file his complaint with the Director.

11. **Adjournment.**

Vice-Chairman Cundiff adjourned the meeting at 2:51 p.m.

APPROVED _____
David Hannum, Chairman